

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 13234 of National Food Brokers Association, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 4101.41 to continue to operate a parking lot and for a variance from the prohibition against all-day commuter parking (Sub-paragraph 4101.413) in an SP-2 District at the premises 1008-1014 Massachusetts Avenue, N.W., (Square 342, Lot 56).

HEARING DATE: June 11, 1980

DECISION DATE: July 2, 1980

FINDINGS OF FACT:

1. The subject property is located in an SP-2 District at the southeast corner of the intersection of Massachusetts Avenue, and 11th Street.

2. The subject property is currently being used as a commercial parking lot. The use was last approved by the BZA for a period of two years in Case No. 12621 by Order dated March 29, 1978.

3. The applicant proposes to continue using the property as a commercial parking lot for four more years.

4. The property contains spaces to park approximately sixty to sixty-five cars. Access to the lot is by way of a driveway from 11th Street. The lot has a forty-two inch brick wall facing both 11th Street and Massachusetts Avenue.

5. The lot is used primarily for all-day commuter parking. The applicant requested a variance from the requirement of Sub-paragraph 4101.413 to permit the all-day parking to continue.

6. The representative of the operator of the lot testified that approximately half of the users of the lot contract on a monthly basis to park there. The remaining parkers on the lot pay on a daily basis.

7. The lot is operated from 8:00 a.m. to 6:00 p.m. by Diplomat Parking Corporation. The majority of the traffic enters between the hours of 8 and 9:30 a.m. and leaves between 4 and 6 p.m. The lot is used after hours by a church located in the immediate vicinity and by other neighborhood persons. There is an attendant on the lot during the day.

8. The lot has been operated in the past in compliance with the orders of the Board and the Zoning Regulations. The lot is paved with an all-weather impervious surface, the spaces are lined, and the lot is kept clear of trash and debris.

9. There is no evidence to suggest that any dangerous or objectionable traffic conditions result from the operation of this lot.

10. The area surrounding the lot is developed primarily with residences and one large office building immediately across 11th Street. There are very few retail or service uses, and insufficient uses to generate a significant demand for short-term parking.

11. A representative of the owner testified that the Association was proceeding with plans to develop an office building on the site for use by the Association. It was estimated that the building would be developed in the short-term future, but in no event in more than five years.

12. The Department of Transportation, by memorandum dated May 5, 1980, recommended that continuation of the lot be approved only if the permitted use of the facility is limited to short-term parking exclusively. For the purpose of differentiating short-term from long-term parking, the Department considers periods of six hours or more during daytime hours to be long-term parking, and less than six hours to be short-term. The Department based its recommendation on the overall transportation policies of the city. The policy of limiting long-term accessory parking will lead to increased ride-sharing and transit riding, particularly for work trip purposes.

13. There was no report from Advisory Neighborhood Commission 2C.

CONCLUSIONS OF LAW AND OPINION:

Based on the record, the Board concludes that the applicant is seeking a special exception and a use variance. As to the special exception the Board concludes that the applicant has substantially complied with the requirements of Paragraph 4101.41 of the Zoning Regulations and that the special exception, as hereinafter conditioned, can be granted as in harmony with the general purpose and intent of the Zoning Regulations and will not tend to effect adversely the use of neighboring property. As to the use variance, the variance to permit all-day commuter parking, this requires a showing of a hardship upon the owner of the property that arises from the property itself. The Board notes that approximately one-half of the subject parking lot is used for commuter parking on a monthly contract basis and that the other uses in the near vicinity of the subject parking lot do not generate short-term parking needs. The Board concludes that since part of the subject property is leased for commuter parking and that the physical location of the parking lot precludes its use by short term parkers, the hardship is inherent on the property.

The Board notes additionally the public policy perspectives advanced by the D. C. Department of Transportation. The Board concludes that such perspectives by themselves are not sufficient to require the denial of an application which is generally consistent with the Zoning Regulations. The Board concludes however that the intent and purpose of the Zoning Regulations would be served by limiting half of the lot, the percentage now used by monthly contract parkers, to long-term parking.

The Board further concludes that with a final two-year limitation conditioning the grant herein, the use variance can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan. Accordingly, it is ORDERED that the special exception and variance are GRANTED SUBJECT to the following CONDITIONS:

a. Approval shall be for a period of TWO YEARS from the date of expiration of the previous Certificate of Occupancy.

b. There shall be no more than fifty percent of the lot used for all-day commuter parking.

c. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.

d. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.

e. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.

f. All parts of the lot shall be kept free of refuse or debris and shall be paved or landscaped. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance.


g. No other use shall be conducted from or upon the premises and no structure other than an attendant's shelter shall be erected or used upon the premises unless such use or structure is otherwise permitted in the zoning district in which the parking lot is located.

h. Any lighting used to illuminate the parking lot or its accessory building shall be so arranged that all direct rays of such lighting are confined to the surface of the parking lot.

VOTE: 5-0 (Connie Fortune, Leonard L. McCants, William F. McIntosh, Charles R. Norris, and Ruby B. McZier to grant).

BY ORDER OF THE BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
Steven E. Sher  
Executive Director

FINAL DATE OF ORDER: 22 SEP 1980

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OR ZONING ADJUSTMENT.'

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.